

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF MARINE SAFETY

+ + + + +

INTERVIEW

RE:

FISHING VESSEL TAKI-TOOO

?-----+
IN THE MATTER OF:
INTERVIEW OF
DEBORAH CHENOWITH,
CHIEF OF OPERATIONS
and
LUKE ELLIOT,
MANAGER PUBLIC RELATIONS
ARMY CORP OF ENGINEERS
?-----+

FRIDAY,

September 12, 2003

The above-entitled interview was conducted at
8:36 a.m.

BEFORE: ROB JONES, Nat'l Transportation Safety
Board

(Transcript produced from audio CD provided by the
National Transportation Safety Board.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4433

www.nealrsgross.com

P-R-O-C-E-E-D-I-N-G-S

8:36

a.m.

MR. JONES: On the record here. My name is Rob Jones. I'm the marine investigator with the National Transportation Safety Board and I'm talking to Deb Chenowith from the Army Corp of Engineers.

And, Deb, if you could explain your position.

MS. CHENOWITH: Legally Deborah Chenowith, Chief of Operations for the Portland District for the U.S. Army Corp of Engineers. You -- you want more explanation than that?

MR. JONES: That's fine.

MS. CHENOWITH: Okay.

MR. JONES: And, Luke?

MR. ELLIOT: SAYTOM (phonetic sp.), Public Affairs Specialist assigned to the coastal community.

MR. JONES: Okay. That was public

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 liaison

2 officer?

3 MR. ELLIOT: Public Affairs Specialist.

4 MR. JONES: Public Affairs Specialist?

5 Okay. And we're here just conducting an interview
6 with regards to the Taki-Tooo incident out at
7 Tillamook bar and I'll just start with a couple
8 questions for you.

9 MS. CHENOWITH: Okay.

10 MR. JONES: We were told that some of
11 the
12 operators in the area -- well actually, you know,
13 let
14 me start out separately.

15 Deb, can you give me a quick background
16 on
17 that area and where it stands, you know, right now
18 with regard to any type of surveys and/or work
19 you're
20 either preparing to do or have something on the
21 books
22 for the future? You know, what is the status of
23 the
24 Tillamook bar in your estimation?

25 MS. CHENOWITH: Okay. I think the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 first

2 important thing is to differentiate between the bar
3 and the jetty.

4 MR. JONES: Okay.

5 MS. CHENOWITH: The jetty is a
6 structure
7 that we built -- the north jetty was authorized in
8 1912 and it's 5,700 feet long. It was finished
9 construction in -- in 1918 and then it was extended
10 in
11 1933. There were some problems that were created
12 by
13 having the single jetty. The south jetty
14 (indiscernible) and (indiscernible) in 1965. It
15 was
16 completed in 1979. Since 1979, the -- having both
17 the
18 north jetty and the south jetty in place has
19 functioned as designed to allow a natural scouring
20 of
21 the channel. The authorized depth at which we are
22 to
23 maintain the channel is 18 feet and what happens
24 with
25 a total of five rivers emptying into Tillamook Bay

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 and
2 the very strong tidal action that occurs on a daily
3 basis existing through the narrow passage of the
4 jetty, it creates a self scouring that has
5 maintained
6 itself at more than 18 feet since the completion of
7 jetty in -- in 1979.

8 Now, the -- the issue that is
9 frequently
10 brought up is the fact that we have significant
11 deterioration on both the north and the south jetty
12 and there is a need to come back in and put more
13 rocks
14 back on the jetty. It has not deteriorated to the
15 point that it has affected that scouring action.
16 What
17 we're looking at and we have a study underway, we
18 should have a report this fall on the
19 recommendations
20 of what need to be done to make sure that the jetty
21 does not fail. Once the jetty breaches, we will
22 not
23 -- we do not expect to see that scouring action
24 continue to occur.

25 So, the original purpose for putting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 the
2 jetty in was to improve access into Tillamook Bay
3 and
4 to reduce the cost of dredging out the sand through
5 that entrance to Tillamook Bay. So, it's a -- it's
6 a
7 structure that's long-term intention is to reduce
8 the
9 need for continuous dredging.

10 Now the bar is a natural-occurring
11 structure, I guess you want to call it, but a
12 natural-
13 occurring phenomenon that happens at the mouth of
14 rivers and bays and the construction of the jetty
15 is
16 intended to try to offset that naturally-occurring
17 accumulation of sand that occurs near the mouth of
18 --
19 of river like that.

20 MR. JONES: Okay.

21 MS. CHENOWITH: We are not funded in
22 future years for those repairs to the jetty. We --
23 we
24 can only expend funds as authorized by Congress.
25 So,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 we're doing the study. We -- we did obtain the
2 funds
3 from Congress to do the study of what's needed.
4 That
5 will give us an estimate of what it will cost to
6 bring
7 the jetty back to a stable structure that would not
8 be
9 in danger of being breached during a winter storm.
10 So
11 that's where we are right now with -- with -- the
12 study will be finished this fall, then we'll be
13 able
14 to go back and tell Congress what it would take to
15 fully repair the jetty.

16 MR. JONES: The jetties as they stand
17 now,
18 there's no plan to extend them. It would just be
19 to
20 repair them to the original length that they were
21 out
22 from the beach.

23 MS. CHENOWITH: Well, when I say the
24 original length, I -- I -- I need to clarify that.
25 It

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 -- it may recommend go to the original length. It
2 may
3 say cap it off where it is now. It has -- the head
4 of
5 the jetty has kind of been eaten back a little bit
6 over the years and the study will determine what is
7 necessary to maintain the channel depth at 18 feet.
8 So I don't know what the conclusion of the report
9 is
10 yet.

11 MR. JONES: Okay. But by lengthening
12 those jetties, is there any -- I'm sure this might
13 be
14 included in your report, but we heard questions or
15 proposals that if they lengthen the jetty, do you
16 see
17 any positive influence occurring there with
18 reducing
19 the height of the waves or the wave action at the
20 bar
21 if you lengthen the jetties out further?

22 MS. CHENOWITH: I -- we have folks that
23 do
24 modeling studies to determine if that would in fact
25 happen. I would be just guessing one way or the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 other. I really don't know if it -- if it makes a
2 difference. Regardless of how long the jetty is,
3 there still reaches a point where the sand is
4 deposited and so I don't know personally -- I don't
5 have a educated technical opinion on whether a
6 longer
7 jetty would make it less likely to have higher
8 waves
9 or lower waves. That's -- that -- that requires a
10 pretty extensive modeling study to do.

11 MR. JONES: Okay. You know, on my
12 first
13 sight on out there, those were pretty extensive
14 jetties, as they were.

15 MS. CHENOWITH: Right. Yes, they are.

16 MR. JONES: And the sand that you
17 described dumping out there at the jaws or the
18 mouth
19 of the jetty, is that a combination of both the
20 silt
21 from the rivers being deposited there and/or the
22 sand
23 from the ocean? One or the other, or both?

24 MS. CHENOWITH: It -- it -- it's both
25 and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 -- and you also have the impact of the long shore
2 current. Sand is transported parallel to the coast
3 line and it changes seasonally, and I can't tell
4 you

5 for sure, I think it moves south in the summer and
6 north in the winter, but I could be wrong on that.

7 Anyhow, there -- there is a long shore
8 current that also moves sand, as well as sand
9 coming
10 from the ocean towards the shore, as well a silt
11 and
12 sand being carried out from the estuary. So you've
13 got a very dynamic situation going on there.

14 MR. JONES: Okay.

15 MR. ELLIOT: To reiterate too on the --
16 the jetties as they sit right now are functioning
17 properly and they are maintaining a -- the 18 feet
18 throughout the channel.

19 MS. CHENOWITH: Right.

20 MR. ELLIOT: So as for the current
21 status,
22 they are functioning properly. To go in and repair
23 them is just to prevent future --

24 MS. CHENOWITH: Preventative
25 maintenance.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MR. ELLIOT: Yes. Yes.

2 MR. JONES: So it would just be
3 preventative maintenance on the jetties as they
4 exist?

5 Now. Just back to what they were at one time, is
6 that
7 what you're saying?

8 MS. CHENOWITH: Well, that's what -- we
9 want to do enough work to stabilize the jetties so
10 they function effectively and -- and that links and
11 size of rock and all that sort of thing are going
12 to
13 be very technical decisions that will be made.
14 There
15 has been a change over the time that the jetties
16 have
17 been in place in the number of storms, the size of
18 waves, the frequency of the waves and the frequency
19 of
20 the storms. So we're calculating all those things
21 in
22 there too.

23 MR. JONES: Okay. Well along with
24 those,
25 the frequency numbers leads me to the next couple

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 questions. Do you by any chance keep track of when
2 the Coast Guard there in Tillamook restricts that
3 bar?

4 MS. CHENOWITH: No, we don't keep those
5 records.

6 MR. JONES: Okay. We've asked for it
7 from
8 them, so we'll just continue to pursue that. How
9 about records from NOAA, the National Oceanic and
10 Atmospheric Administration?

11 MS. CHENOWITH: In -- in terms of
12 specifically at the Tillamook bar?

13 MR. JONES: Yes, or if you have it for
14 similar bars up and down the west coast that your
15 group would be concerned with.

16 MS. CHENOWITH: I know we do have
17 records
18 for the mouth of the Columbia in terms of the size
19 of
20 waves and that sort of thing that are used in these
21 studies, so I'm not sure what we have for the
22 Tillamook bar, but I can ask.

23 MR. JONES: Yes, anything would be
24 great.

25 But I mean we're just, you know, trying to get as

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 much
2 data as we can and sometimes, you know, the more we
3 ask, the more we'll get and it might be something
4 that
5 we had overlooked that you have already taken into
6 account and incorporated. We're just looking for
7 like, you know, the size of the seas and if they do
8 not only a sea state analysis, but combined with,
9 you
10 know, a wind from the west or an opposing wind from
11 the east and how that affects the bar. But if you
12 do
13 have it, that's kind of the information we'd like
14 to
15 take a look at also.

16 MS. CHENOWITH: Sure. No problem.
17 I'll
18 -- I'll see what we've got. It -- it probably
19 isn't
20 a daily record. It's probably more along the lines
21 of
22 extremes.

23 MR. JONES: And, you know, if it is
24 extremes, which would be better because, you know,
25 no

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 one wants to pore over data that's just calm water,
2 if
3 it is the extremes, which would mean it would be a
4 less/more frequent as far as data totals go, but if
5 they do keep it, if you can go back five or 10
6 years
7 to just get an idea of -- that's what we're trying
8 to
9 ask the Coast Guard also, Deb, is how many times --
10 now of course it has to be a comparison to the
11 weather
12 at the time. But we've asked them how many times
13 have
14 they restricted the bar over the last 10 years.

15 MS. CHENOWITH: Okay.

16 MR. JONES: And you know that can be
17 directly related to the actual size of the storm
18 out
19 there or whatever. But, you know, it's just
20 something
21 for our working knowledge.

22 MS. CHENOWITH: Sure. Sure, I can see
23 how
24 that would help. Okay. I'll -- I'll see what we
25 can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 get you.

2 MR. JONES: Okay. Now are you also in
3 charge of any other inlets that are similar to
4 Tillamook?

5 MS. CHENOWITH: Well, I'm -- I'm
6 responsible for the navigation program along the
7 entire Oregon coast.

8 MR. JONES: Well, that's a small enough
9 area.

10 MS. CHENOWITH: Yes. I've got a few
11 other
12 things too. They're all really different. I mean,
13 Tillamook is part of the largest estuary. Of
14 course,
15 Mouth of the Columbia is in a class by itself.
16 Coos
17 Bay is not really -- it's a very different kind of
18 situation down there. It's not as -- not as rough
19 a
20 bar. I guess maybe the Rogue would be -- Siletz
21 would
22 -- would be a place that's -- that's always
23 (indiscernible) to access, but they're -- that's a
24 much smaller layout. We've got information about
25 maintenance and -- and that sort of thing for the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 Pacific coastline. It's really tough to say that
2 there's anything comparable to Tillamook though.

3 MR. JONES: And each one is different
4 in
5 its own?

6 MS. CHENOWITH: Yes. They all have
7 very
8 unique wave patterns, geology.

9 MR. JONES: How about Newport?

10 MS. CHENOWITH: I mean, we have the
11 information, but it's -- it's nowhere near as -- in
12 alignment and everything else is -- is much
13 different.

14 MR. JONES: Well, just to be, you know,
15 totally honest with you, the questions that we get,
16 and of course we're dealing with a small town in
17 Tillamook -- well, Newport gets all the money.
18 That
19 gets all the dredging and Tillamook gets forsaken.

20 MS. CHENOWITH: The -- the reason
21 Newport
22 -- there's -- there's different issues here.

23 MR. JONES: And that's exactly what I'm
24 trying --

25 MS. CHENOWITH: The physical dynamics

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 of
2 the function of the jetty I would say the scouring
3 that occurs at the Tillamook jetty is one of the
4 most
5 successful of any of the -- the jetties we have.
6 In
7 other words, it -- it cleans itself out because of
8 the
9 alignment, the volume of water that goes in and out
10 of
11 that estuary every day. Again, they've got five
12 rivers that empty in there and it's a huge bay.
13 The
14 Mouth of the Columbia and Newport get dredging on
15 an
16 annual basis because there are deeper channels
17 authorized, much more traffic authorized and the --
18 the jetties do not stay at or below their
19 authorized
20 depth. So we go to where they don't -- where --
21 where
22 the shoaling occurs that would impede navigation.

23 MR. JONES: Okay.

24 MS. CHENOWITH: And that's -- that's
25 how

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 we make those --

2 MR. JONES: Determinations?

3 MS. CHENOWITH: We -- we do the hydro
4 surveys up and down the coast. Then if it is
5 funded,
6 we dredge where there is the need. So we need both
7 the need to dredge based on the hydro surveys and
8 the
9 funding to accomplish it.

10 MR. ELLIOT: When you look at
11 Tillamook,
12 it's authorized at 18 feet in depth. So we can't
13 go
14 out and deep dredge deeper than 18 feet without
15 Congressional Authorization.

16 MS. CHENOWITH: Right.

17 MR. ELLIOT: Each year we go out and do
18 a
19 survey that sits like 76 since construction of the
20 top
21 jetty, it hasn't needed -- it hasn't been deep --
22 it
23 hasn't been shallower than 18 feet, so there's no
24 Congressional authorization to dredge any deeper.

25 MS. CHENOWITH: Any deeper.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MR. JONES: Right.

2 MS. CHENOWITH: Whereas at -- at
3 Newport,
4 at the Mouth of the Columbia, we have shoaling that
5 occurs that requires us to dredge to maintain the
6 channel at the authorized depth.

7 MR. JONES: Does Congress mandate the
8 depths for the other ports dredging also?

9 MS. CHENOWITH: Yes, there are -- there
10 are designated depths for each of the harbors.

11 MR. JONES: So a survey has taken place
12 at
13 the other harbor sometime in the past and everybody
14 has agreed to a certain depth and then that money
15 was
16 allocated by Congress to keep it at that depth?

17 MS. CHENOWITH: Well, I mean --

18 MR. JONES: Is that --

19 MS. CHENOWITH: -- real clear on the
20 sequence. When the jetties are constructed, there
21 is
22 an -- or whatever, there is an authorized depth set
23 by
24 Congress.

25 MR. JONES: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 MS. CHENOWITH: They -- they choose the
2 depth based on studies and that sort of thing.
3 Then
4 on an annual basis, when we receive our funding,
5 Congress allocates it by location and they
6 prioritize
7 it based on economic impact so that the large
8 commercial-use harbors tend to be funded first so
9 that
10 you constantly have funding for the Mouth of the
11 Columbia and Newport and that sort of thing. When
12 the
13 decisions are made at Congress about we don't have
14 enough money to fund everything, Congress chooses
15 how
16 to prioritize at that point.

17 The other piece of the puzzle is that
18 through OMB direction our budget policy for the
19 Corp
20 of Engineers has over the last few years restricted
21 our dredging of small commercial-use,
22 low-commercial
23 or recreational harbors on both coastlines and
24 those
25 -- those projects have tended not to be funded.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 MR. JONES: Okay.

2 MS. CHENOWITH: Even in the President's
3 budget. Even before it goes to Congress.
4 Occasionally because of local political interest
5 and
6 clout, some of those do get funded. But that's --
7 that happens at the D.C. level, not back here.

8 MR. JONES: Right.

9 MR. ELLIOT: There's a lot of interest
10 on
11 the ports up the coast on shallow draft and whether
12 or
13 not they get funding. But the unique part about
14 Tillamook Bay is that it doesn't necessarily --
15 it's
16 working. It's doesn't require us to go out and
17 dredge.

18 MS. CHENOWITH: Right.

19 MR. ELLIOT: So we haven't needed to
20 request funding for -- for the Bay.

21 MS. CHENOWITH: Right.

22 MR. JONES: Okay.

23 MS. CHENOWITH: So that -- it's -- it's
24 not for -- Tillamook's in a unique situation that
25 for

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 dredging maintenance we haven't needed funding
2 because
3 the jetty is functioning. The part about funding
4 at
5 Tillamook is not for maintenance dredging. It's
6 can
7 we get the jetty repaired so it continues to
8 function
9 successfully in the future?

10 MR. JONES: Okay.

11 MS. CHENOWITH: So there's maintenance
12 dredging funding separate from maintenance of the
13 jetty.

14 MR. JONES: Okay. Thanks. That was a
15 great little quick explanation for me.

16 Have you received, because of the local
17 interest there, any letters from, you know, the
18 fishermen or just anyone in Tillamook Bay, you
19 know,
20 with regards to complaints about the dredging or
21 the
22 situation itself there at Tillamook?

23 MR. ELLIOT: I've actually received
24 very
25 little. I've received actually comments from some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 of
2 the fishermen or one in particular that is
3 supportive
4 of what we were saying on that -- the -- that it --
5 the dredge -- the channel is maintaining itself. I
6 haven't received any negative comments.

7 MR. JONES: Well, you know what, Luke?
8 Pro or con, if you'd be willing to send me that
9 like
10 in a PDF form or a copy of it, fax it?

11 MR. ELLIOT: I will send you a copy of
12 what he sent to the -- he sent a paper into the --
13 I
14 think the Tillamook Headlight-Herald.

15 MR. JONES: Yes, and your response?

16 MR. ELLIOT: I'll send a clipping of
17 that
18 to you and then let me -- before I pass on any
19 information that was sending to me, let me just
20 clear
21 it with him it's okay.

22 MR. JONES: Okay. And if you have
23 responded, if the Army Corp has responded in kind
24 to
25 any type of questions like that --

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MR. ELLIOT: Okay.

2 MR. JONES: -- that wouldn't be bad to
3 have either.

4 MR. ELLIOT: Yes, I'll take a look at
5 that.

6 MS. CHENOWITH: Yes, actually,
7 considering
8 the media attention, the number of letters that
9 I've
10 been aware of have been -- I can't even think of
11 one.
12 I mean, I've been down there and talked to the port
13 managers and I've been down there, you know, for
14 the
15 -- Senator Smith public hearing and so on and got a
16 lot of comments and discussion, but as far as
17 receiving a letter, I can't even think of one that
18 I've seen.

19 MR. JONES: Right.

20 MS. CHENOWITH: So it's kind of
21 surprising.

22 MR. JONES: Well, Debbie, did something
23 end up in the papers or did you put out a survey
24 report recently with depths and soundings for the
25 Tillamook bar that the locals there could have got

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 a

2 handle on?

3 MS. CHENOWITH: Yes, what -- what --

4 what

5 we did immediately following the accident is I

6 moved

7 up the schedule. It was scheduled to be done -- I

8 can't remember the date -- it's scheduled to be

9 done

10 like the end of July and we moved it up a couple

11 weeks

12 so that we could get the depths and answer that

13 question quickly. As soon as we completed the

14 survey,

15 actually the media got on board the boat. They

16 literally fought over who got to be on the boat and

17 we

18 can tell you stories about that, to the point --

19 well,

20 I won't go there. Anyhow, the media accompanied us

21 when we did the hydro survey and as soon as we had

22 the

23 data verified, we issued a press release. I gave

24 the

25 port manager a copy of the survey and I gave

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 Senator

2 Smith's staff a copy of the survey and it is
3 available

4 for whoever wants it and that was done probably 10
5 days after -- I can't -- I'm trying -- I'm trying
6 to

7 remember the date. But that's the survey I want to
8 make sure you get.

9 MR. JONES: Yes, please.

10 MS. CHENOWITH: We moved it up. It
11 would
12 have -- it was scheduled anyway as an annual
13 survey.

14 We moved it up sooner because of the questions
15 about

16 had the -- had the bar silted in and was -- was
17 that

18 a factor, so we wanted to go back in and see was it
19 shallower than 18 feet and what we found, it was
20 not

21 shallower than 18 feet. It was actually even a
22 little

23 deeper than the preceding year throughout the
24 entire

25 length of the authorized channel.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 Now the other question that comes up,
2 which you may have heard, are thoughts, opinions,
3 conjecture that maybe we should dredge more than
4 the
5 authorized channel and we can't do that. You know,
6 we
7 -- we can't go up and down the entire coastline
8 dredging beyond where we have Congressional
9 authorization.

10 MR. ELLIOT: And even on dredging
11 deeper,
12 talking with some of the hydrographic scientists
13 around here, they -- they seem to think that it may
14 --
15 may or may not improve the situation. So there
16 would
17 have to be an extensive study on (indiscernible)
18 going
19 deeper with Congressional authorization would even
20 approve.

21 MR. JONES: If that's in a report on
22 paper
23 somewhere, that wouldn't be bad to have either,
24 Luke.
25 If actually there's been surveys or there are

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 strong
2 feelings by the hydrologists that any changes could
3 have a negative impact --

4 MR. ELLIOT: I don't think that's
5 anywhere. I just -- listening to different people
6 talk, there's a lot of conflict on whether or not
7 it
8 would be beneficial or not.

9 MR. JONES: Okay.

10 MR. ELLIOT: I just don't -- until we
11 have
12 Congressional authorization, we're -- we're doing
13 what
14 we're -- what we're supposed to be doing by
15 maintaining it at 18 feet.

16 MR. JONES: And just to clarify, is
17 that
18 right out to the tips of the jetties, the 18 feet?

19 MS. CHENOWITH: Oh, the -- the 18 feet,
20 yes. And actually it goes out beyond the tip of
21 the
22 jetty.

23 MR. JONES: Okay.

24 MS. CHENOWITH: I -- I want to say a
25 few

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 hundred feet, but I don't have the chart in front
2 of
3 me. But when we send you the chart, you'll see it
4 pretty clearly.

5 MR. JONES: Is there a --

6 MS. CHENOWITH: It's -- it's marked on
7 the
8 -- on the chart what the authorized channel is.

9 MR. JONES: And what you're responsible
10 for?

11 MS. CHENOWITH: Yes.

12 MR. JONES: Okay. That would be great,
13 Deb. The reason I took the questioning that way
14 was
15 I had talked to the owners the other day with
16 regard
17 to other equipment and she said she was getting a
18 lot
19 of -- after they had seen the latest survey, she
20 was
21 going to fax me some questions which I, you know,
22 more
23 than welcomed from her from the fishermen, from
24 some
25 of the other boat owners and operators, that they

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 are
2 in verbal disagreement with your findings, that you
3 know they're saying, "Their sounders must be wrong
4 and whatever they're using for depth soundings and
5 fedometers," with regards to some of the survey
6 numbers. So, you know, I couldn't comment on it at
7 the time. I just said, "You know, fax the
8 questions
9 to me. I'll be more than happy to take a look at
10 them."

11 MS. CHENOWITH: So it would probably be
12 helpful for you to know what's on our survey boat,
13 what equipment we use.

14 MR. JONES: That wouldn't hurt and it
15 was
16 good you took the press out there with you. So, I
17 mean, you know, without seeing what they have on
18 their
19 boats and I'm think I can assume what you might
20 have
21 on yours ius probably a little bit more extensive.

22 MS. CHENOWITH: I -- I am very
23 comfortable
24 saying I'm sure it is.

25 MR. JONES: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MS. CHENOWITH: But it's -- it's --
2 yes,
3 I can -- compared to a fishermen's depth sounder or
4 whatever, our equipment is pretty high-tech.

5 MR. JONES: One of the other statements
6 that was made is, and you can kind of see it on the
7 chart as a -- I mean, I sailed for a long time, but
8 a
9 lay person to the bar in small boats, they have
10 that
11 southwest, like a southwest cut and a northwest cut
12 that they try to proceed out through.

13 MS. CHENOWITH: Yes.

14 MR. JONES: And this is part of the
15 natural cleansing of the bar. Is that what you're
16 saying? Are those channels cut by the ebb tide?

17 MS. CHENOWITH: By the ebb tide and the
18 long shore current. Both.

19 MR. JONES: Oh, okay. And the center
20 part, the shallowest area, that's where it silts
21 out,
22 even though that's further out than the tips of the
23 jetties?

24 MS. CHENOWITH: You're -- you're
25 talking

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrgross.com

1 about straight out from the mouth of the jetty?

2 MR. JONES: Yes, because they all said
3 they can't go straight out. That's where it would
4 be
5 roughest, unless it's an absolutely calm day.

6 MS. CHENOWITH: Right. They have to go
7 out and -- and turn south. That's part of the
8 natural
9 long shore -- the -- the reaction between the ebb
10 tide
11 and the long shore current creates that situation.

12 MR. JONES: Okay. And along with those
13 two passes, they say the southwesterly one is
14 becoming
15 less and less user friendly, i.e., it's, you know,
16 silting up more or shoaling up more.

17 MS. CHENOWITH: And that's beyond the
18 bounds of our authorized channel to maintain.

19 MR. JONES: Right. So that would be
20 your
21 answer to that question?

22 MS. CHENOWITH: Yes.

23 MR. JONES: Yes. Which you kind of
24 answered before. I just wanted to pose the
25 question

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 as it was written to me.

2 MS. CHENOWITH: I -- I -- I do think it
3 is
4 an important factor that the chart and the
5 situation
6 has -- the path that's safest has -- has been
7 fairly
8 consistent through all the years and that the --
9 the
10 charter fishermen that out of there are all very
11 aware
12 of that. I mean, they know where the -- the bars
13 are
14 and they know that that situation hasn't changed
15 dramatically from year to year. It's not like one
16 year it's north and one year it's south and one
17 year
18 it's the middle. It's -- it's been that alignment
19 for
20 quite a while.

21 MR. JONES: Okay. Along with the
22 information you were going to give on the latest
23 survey, you do surveys, what did you say, once a --
24 how often?

25 MS. CHENOWITH: Generally it's every

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 year.

2 You know, over the past 10 or 15 years we may have
3 missed a year or two, but generally speaking it's
4 every year.

5 MR. JONES: Can you give us the surveys
6 for the past 10?

7 MS. CHENOWITH: Sure.

8 MR. JONES: All right. If that's not
9 too
10 much trouble. That seems like a good round number
11 to,
12 you know, go back with enough resolve.

13 MS. CHENOWITH: Okay.

14 MR. JONES: Now this is just based on
15 our
16 investigation while we're on scene. We're talking
17 to
18 just a lot of different people in general,
19 fishermen,
20 Coast Guard, other local personnel in the area.
21 Their
22 overall feeling, as they perceived it, was the bar
23 was
24 getting worse. Can you respond to that in any way?

25 MS. CHENOWITH: Not -- it's -- it's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 tough
2 to say in terms of perception.

3 MR. JONES: Right.

4 MS. CHENOWITH: Like I said, I think
5 the
6 charts for the last 10 years will probably tell you
7 the most and that would be real data, as opposed to
8 perception. The only change that I've seen from
9 looking back through the data over the past number
10 of
11 years is that the wave frequency, wave heights and
12 storm frequency had gotten worse.

13 MR. JONES: Oh, global warming?

14 MS. CHENOWITH: I don't know.

15 MR. JONES: Yes.

16 MS. CHENOWITH: Something. Or it might
17 be
18 part of a, you know, hundred-year cycle. Who
19 knows.

20 MR. JONES: Right.

21 MS. CHENOWITH: But --

22 MR. JONES: It all, along with the
23 depths
24 of the survey, it all has to be compared with the
25 weather that they're experiencing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MS. CHENOWITH: Right.

2 MR. JONES: So you could in effect say,
3 "Well, the weather's gotten worse and the bar
4 hasn't
5 changed."

6 MS. CHENOWITH: That's possible. And
7 --
8 and again, I don't know what -- about the tides
9 either.

10 MR. JONES: Right.

11 MS. CHENOWITH: And that's -- that's
12 the
13 other part. The tides change, the weather changes
14 and
15 -- and the -- the shoaling does vary. But, we
16 can't
17 -- we can't extend money beyond where we're
18 authorized
19 to do so. So, if there is increased shoaling north
20 or
21 south of the authorized channel, our hands are tied
22 at
23 this point.

24 MR. JONES: Okay. Along with what both
25 Luke and yourself were talking about, the possible

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 preventative maintenance at the jetties, do you
2 have
3 cost estimates of that? And if so, could we have
4 that?

5 MS. CHENOWITH: That will be part of
6 the
7 report which we -- we could share with you once
8 it's
9 finished.

10 MR. JONES: Okay.

11 MS. CHENOWITH: It's -- it's going to
12 be
13 a couple more months.

14 MR. JONES: Well, I think ours will be
15 a
16 couple more months too. So that would be fine.
17 You
18 know, as soon as you have something, that would be
19 great, even if it was a rough estimate.

20 MS. CHENOWITH: I can only give you
21 rough
22 -- rough estimates. If -- if any of it is going to
23 be
24 used for -- for budget submittal, I can't share
25 that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 part with you. So I've got to -- I -- I can give
2 you
3 -- ballpark estimates is probably the best I can
4 give
5 you.

6 MR. JONES: Okay.

7 MS. CHENOWITH: But we're -- we're
8 talking
9 millions and millions of dollars.

10 MR. JONES: Right.

11 MS. CHENOWITH: Just so you know.

12 MR. JONES: And I know this is
13 conjecture,
14 but you know, how long would those repairs or
15 preventative maintenance last, or how much more
16 time
17 do you think that would give you?

18 MS. CHENOWITH: This is conjecture.

19 MR. JONES: Yes.

20 MS. CHENOWITH: One of our biggest
21 problems with the increase in have height and
22 frequency is that it requires much larger stones
23 and
24 finding the sources of the stone is becoming harder
25 and harder and right now it looks like we may have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 to
2 go to Alaska to get it. So it depends -- the --
3 the
4 length of time that the repairs are good for is a
5 function of the size of the rock we're able to get
6 and
7 so part of that is -- is going to go back to the
8 sources of where we can find the rock and that --
9 that
10 will extend the length of time, the bigger the rock
11 we
12 can get. If it's not available, then the -- the
13 expected life cycle of -- of the repairs will --
14 will
15 vary depending upon that.

16 MR. JONES: Okay. That kinds of ends
17 my
18 questioning. Anything else you can think of?

19 MS. CHENOWITH: Let -- let me just
20 summarize so I know that we're all on the save wave
21 length of what -- what we can send you.

22 MR. JONES: Sure.

23 MS. CHENOWITH: You're looking for the
24 records from NOAA in terms of the sea state and --
25 and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 weather, whatever we have on that.

2 MR. JONES: Yes.

3 MS. CHENOWITH: Going back 10 years
4 again?

5 Is that --

6 MR. JONES: Yes, that would be great,
7 if
8 you have that.

9 MS. CHENOWITH: Okay. You need the
10 most
11 recent survey and then surveys going back 10 years?

12 MR. JONES: Yes, that would be fine.

13 MS. CHENOWITH: On the authorized
14 channel.

15 We'll send you a description of what our survey
16 equipment is and the Hickson that did the -- the
17 survey so that you know what the equipment is
18 compared
19 to what those that say, "Well, it's not a good
20 survey." We can tell you what we used to do the
21 survey.

22 MR. JONES: Okay.

23 MS. CHENOWITH: And Luke has some press
24 releases or whatever that you're going to share
25 with

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 him.

2 MR. ELLIOT: I'll share the inquiries I
3 got with that one fellow.

4 MS. CHENOWITH: Okay.

5 MR. ELLIOT: And the surveys for the
6 past
7 10 years. Is that the other thing you were looking
8 at, the survey report?

9 MR. JONES: Yes.

10 MS. CHENOWITH: And then when we finish
11 with our study on the jetty and what it's going to
12 require, we'll -- we'll share that with you too.

13 MR. JONES: That would be great. And,
14 Deb, this might be going outside the realm, but,
15 boy,
16 if you had something that described, just what you
17 were describing to me, how the other bars are
18 maintained in a different way because of different
19 conditions, do you have any summation of anything
20 like
21 that?

22 MS. CHENOWITH: I'll -- I'll see what I
23 can find.

24 MR. JONES: You know, because it does
25 put

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 to rest questions from even in-house here. "Well,
2 what do they do at Coos Bay? What do they do at
3 Newport?" You know, it doesn't have to be long,
4 but
5 something that just identifies there are
6 differences
7 and this is why and that that's how they're
8 maintained, like a quick summary of your operations
9 at
10 other -- not so much similar as in five estuaries
11 emptying out at the Tillamook, but the Pacific west
12 coasts that do require your attention.

13 MS. CHENOWITH: Okay. I'll see what I
14 can
15 come with. I've probably got -- by pulling a few
16 things together, I can probably get 90 percent of
17 it
18 and then have somebody fill in the rest for you.

19 MR. JONES: And you can do that in your
20 spare time when you're --

21 MS. CHENOWITH: Yes.

22 MR. JONES: -- out there in --

23 MS. CHENOWITH: Allegation there.

24 MR. JONES: Out there in Monticello.

25 MS. CHENOWITH: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-2704

(202) 331-4422

www.nealrsgross.com

1 MR. JONES: That's all I have right
2 now,
3 unless you can think of anything else while we're
4 still on the record here.

5 MS. CHENOWITH: Well, I can't think of
6 anything right now, but if -- if between Luke and I
7 we
8 come across some other information that we think
9 will
10 be useful, we'll just send it to you.

11 MR. JONES: Okay. I'm just going to
12 stop
13 the tape here then.

14 MS. CHENOWITH: All right.

15 (Whereupon, the interview was concluded
16 at
17 9:13 a.m.)

18
19
20